

FILED
6/24/2025

KG

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

GRUMPY CAT LIMITED,)	
)	Case Number: 24-cv-2702
Plaintiff)	
)	Judge: The Honorable Jorge L. Alonso
v.)	
)	Magistrate Judge: The Honorable David Weisman
smartypaints, Def. No. 173)	
Defendant)	

DEFENDANT’S REPLY IN SUPPORT OF MOTION TO DISMISS

I, smartypaints, Def. No. 173 (Legal Name: Sunakshi), the pro se defendant in this matter, respectfully submit this reply to the Plaintiff’s response opposing my motion to dismiss (Dkt. No. 115).

1. PERSONAL JURISDICTION IS LACKING

a. No Purposeful Availment

- The Plaintiff fails to demonstrate that I purposefully availed myself of the Illinois market or the U.S. market at large.
- The single sale in Illinois occurred through Redbubble, an independent platform responsible for all logistics, including shipping, billing, and order fulfillment.
- As a resident of India, I did not target or direct any actions toward Illinois or the United States.

b. Insufficient Contacts

- A single \$4 sale does not constitute the continuous and systematic contact required for personal jurisdiction.
- The Plaintiff’s reliance on incidental sales via Redbubble does not meet the minimum contacts standard set forth in *International Shoe Co. v. Washington*, 326 U.S. 310 (1945).

c. Burden of Litigating in Illinois

- Requiring a pro se defendant residing in India to litigate in Illinois imposes an undue burden and violates principles of fair play and substantial justice.

2. SERVICE OF PROCESS WAS IMPROPER

a. Hague Service Convention Requirements

- As a resident of India, service must comply with the Hague Service Convention.
- Direct service via email violates India's objections under the Hague Service Convention, as outlined by the Ministry of External Affairs. (**Exhibit 1**)

b. Court-Authorized Service Does Not Override International Law

- While the court approved service via email, international treaties like the Hague Service Convention take precedence. The Plaintiff's email service is invalid under both U.S. and international law.

3. TRADEMARK CLAIMS LACK MERIT

a. Descriptive Use of "Grumpy Cat"

- My use of the term "grumpy cat" was descriptive, representing the emotional state of the cat depicted in my original artwork, so alleged trademark infringement was unintentional. Moreover, the artwork has nothing to do with grump cat's brand assets. (**Exhibit 2**)
- The Plaintiff fails to demonstrate any likelihood of confusion, as required under the Lanham Act.

b. Territorial Nature of Trademark Law

- The Plaintiff's "Grumpy Cat" trademark is territorial and does not extend to India, where I reside and created the design.
- The Plaintiff has not established significant presence or reputation in India, making their claims irrelevant to my actions in my jurisdiction.

c. Minimal Harm

- The Plaintiff's assertion of irreparable harm is unsubstantiated, given that:
 - The alleged infringement involved a single \$4 sale.
 - The listing was promptly removed upon notice, demonstrating good faith and no intent to harm the Plaintiff's brand.

4. REPRESENTATION ISSUE

a. "Smartypaints" is Not a Business Entity

- The Plaintiff incorrectly alleges that "smartypaints" is a business entity. It is merely a username for my Redbubble account, which I operate as an individual.

5. CONCLUSION

For the reasons stated above, I respectfully request that the Court grant my motion to dismiss the Plaintiff's complaint (Dkt. No. 115) on the following grounds:

1. Lack of personal jurisdiction (Rule 12(b)(2)).
2. Improper service of process (Rule 12(b)(5)).
3. Failure to state a claim upon which relief can be granted (Rule 12(b)(6)).

CERTIFICATE OF SERVICE

I, smartypaints, Def. No. 173 (Legal Name: Sunakshi), hereby certify that on June 24, 2025, I served a true and correct copy of the foregoing Defendant's Reply in Support of Motion to Dismiss via email to the following counsel of record for the Plaintiff:

William B. Kalbac
wkalbac@hsplegal.com

Respectfully submitted,

smartypaints, Def. No. 173

Pro Se Defendant

Email: sunakshi.sinha90@gmail.com

Dated: June 24, 2025

EXHIBITS

Exhibit 1: Official website of India's Ministry of External Affairs

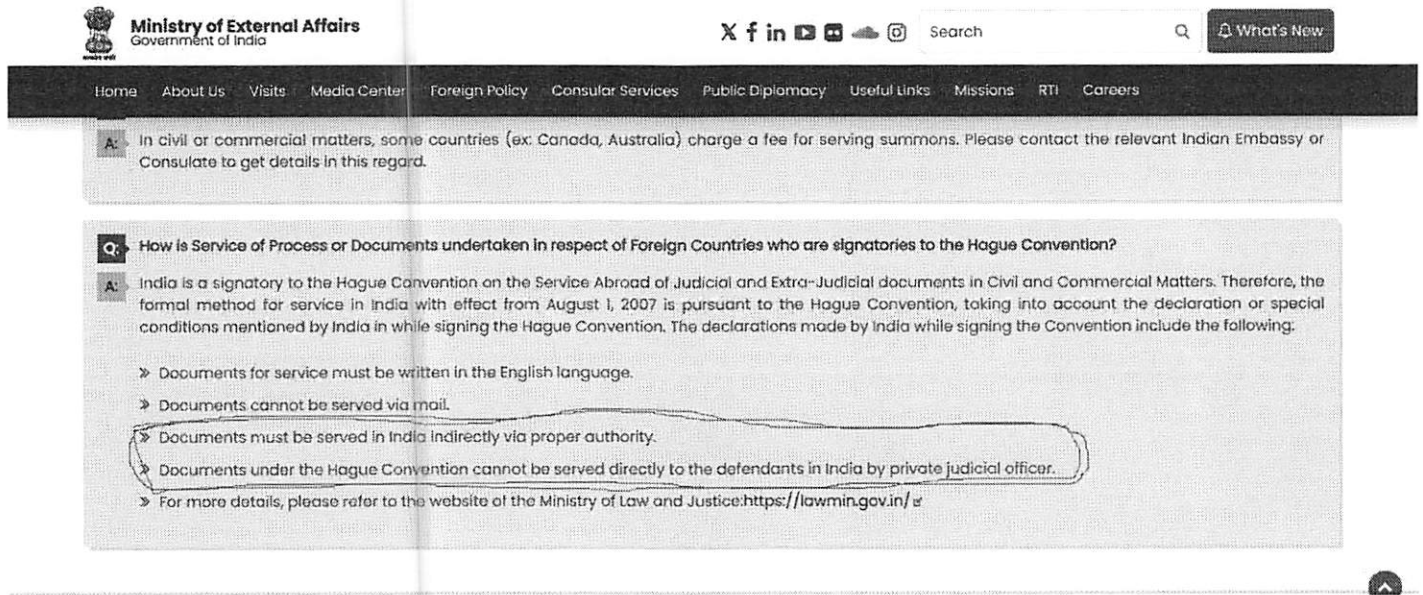


Exhibit 2: Defendant's Artwork

The artwork associated with my Redbubble listing was entirely original and did not copy or reference the Plaintiff's "Grumpy Cat" brand, logos, or character design.

